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## United States Senate

COMMITTEE ON THE JUDICIARY  
WASHINGTON, DC 20510-6275

July 31, 2008

Mr. Robert D. Luskin  
Patton Boggs LLP  
2550 M Street, NW  
Washington, DC 20037

Dear Mr. Luskin:

Today, the U.S. District Court for the District of Columbia issued a ruling rejecting the administration's claims that White House advisors are immune from testifying in response to congressional subpoenas. The court's decision also reaffirmed the President's burden to provide the specific basis for any executive privilege assertions sufficient to give Congress a means to evaluate those assertions. The administration has not provided that basis despite my requests to do so for more than a year. For your convenience, I attach a copy of the court's opinion.

Your client, Karl Rove, failed to appear and testify before the Senate Judiciary Committee last August 2 in response to a subpoena I issued July 26, 2007, as part of the Committee's investigation into the firing of U.S. Attorneys. It is my understanding that Mr. Rove's failure to comply was based on an August 1, 2007, letter from White House Counsel Fred Fielding informing the Committee that the President would invoke a blanket claim of executive privilege to direct Mr. Rove not to produce responsive documents or testify before the Committee, and citing a memo from the Department of Justice's Office of Legal Counsel to assert that Mr. Rove was "immune from compelled congressional testimony" as an "immediate presidential advisor." Today's decision renders these grounds for Mr. Rove's refusal to appear and testify invalid.

Please advise me by next Thursday, August 7, when Mr. Rove will comply with the Committee's subpoena by appearing and testifying before the Committee. I attach for your reference copies of my ruling of November 29, 2007, that the White House's executive privilege and immunity claims are not legally valid to excuse Mr. Rove from testifying and producing documents, and the Committee's bipartisan resolution of December 13, 2007, finding Mr. Rove in criminal contempt of Congress.

Sincerely,



PATRICK LEAHY  
Chairman

cc: The Honorable Arlen Specter

Enclosures